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CHAPTER VIII.

CORRUPT PRACTICES AND ELECTION PETITIONS.

PART I.—ELECTION AGENTS AND EXPENSES.

Appointment of election agent.

139. Every person standing as a candidate at an election to fill a seat or seats in the Assembly or the Council shall, at the time and in the manner prescribed by the provisions of these rules, appoint either himself or some one other person to be his election agent.

Disqualifications for being an agent in connection with an election.

140. No person who is for the time being disqualified under the provisions of the Act or of any of these rules from being a member of the Assembly or the Council or from voting at elections, shall, so long as the disqualification exists, be employed by or on behalf of a candidate as an agent in connection with any election held under the Act or rule made thereunder.

Revocation of appointment of an agent.

141. (1) Any revocation of the appointment of an election agent, whether he be the candidate himself or not, shall be signed by the candidate, and shall operate from the date on which it is lodged with the Returning Officer.

(2) In the event of such a revocation or of the death of an election agent, whether that event occurs before or during the election, or after the election but before a return of the candidate's election expenses has been lodged in accordance with the provisions of rule 144, the candidate shall appoint forthwith either himself or some other person to be his election agent, and shall give notice in writing of the appointment to the Returning Officer.

Agent's duty to maintain accounts.

142. Every election agent shall, for each election for which he is appointed election agent, keep separate and regular books of account, and shall enter therein such particulars of expenditure in connection with the election as are specified in these rules.

Accounts of agent.

143. The books of account to be kept by an election agent under the last preceding rule shall contain a statement of all payments made by the candidate or by his election agent or by any person on behalf of the candidate or in his interests for expenses incurred on account of, or in respect of, the conduct and management of the election,

and further, a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

Return of election expenses.

144. (1) Within thirty-five days from the date of the publication of the result of the election in the official Gazette, there shall be lodged with the Returning Officer in respect of each person who has stood as a candidate a return of the election expenses of that person signed both by him and his election agent.

(2) Every such return shall be in Form XIV and contain the particulars specified in the fourth schedule, and shall be accompanied by declarations in the forms contained in paragraph 3 of the said schedule by the candidate and his election agent made on oath before a magistrate.

(3) Every such return shall also bear court-fee stamps of the value of two rupees without which the Returning Officer shall not accept the return.

Signature by a candidate or an election agent who is unable to write his name in certain cases.

145. For the purpose of rule 141 a candidate, who is enable to write his name, shall be deemed to have signed a revocation of the appointment of an election agent, and for the purpose of rule 144 a candidate or an election agent, who is unable to write his name, shall be deemed to have signed a return of election expenses, if he has placed a mark on the document in the presence of the Returning Officer and if the Returning Officer, on being satisfied as to his identity, has attested the mark as being the mark of the candidate or the election agent.

Notice that return of election expenses has been lodged, and inspection and copy of such return.

146. When any return and the declarations made in respect thereof have all been lodged with the Returning Officer, the Returning Officer shall, as soon as may be, cause a notice of the date on which the return and declarations in question have been lodged, and of the time and place at which they can be inspected, to be fixed in some conspicuous place in his office and to be published in the official Gazette, and any person shall, on payment of a fee of one rupee, be entitled to inspect any such return or declaration and, on payment of the same fees as are prescribed for grant of copies of revenue records, to obtain attested copies thereof or of any part thereof.

Maintenance of records regarding elections and election expenses.

147. (1) The Government shall cause to be prepared in such manner as it may direct a record showing—

(*a*) the names of all candidates at every election to fill a seat or seats either in the Assembly or in the Council;

(*b*) the names of the election agents of each such candidate;

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(*c*) the date of each election;

(*d*) the name of each constituency in which an election has been held; and

(*e*) the date on which the return of election expenses of each candidate in each such election has been lodged with the Returning Officer.

(2) The particulars required for the maintenance of the record mentioned above shall be furnished by the Returning Officers concerned.

(3) The record shall be open to inspection by any person on payment of a fee of two rupees, and attested copies of entries made therein shall be furnished to any person on payment of a fee of two rupees per copy of the entries relating to each candidate.

(4) The record of each election shall be maintained for five years from the date of such election.

(5) Separate records shall be maintained for general elections and bye-elections.

Power to fix maximum scales of expenditure and to regulate employment for pay.

148. (1) The Government may, from time to time by notification in the official Gazette—

(*a*) fix maximum scales of expenditure (including the personal expenses of candidates) which shall apply to any election held under the Act or the rules thereunder;

(*b*) prescribe the numbers and descriptions of persons who may be employed for payment in connection with any election.

(2) Any notification issued under this rule may make different provisions for different constituencies.

PART II.—THE DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION AND DISQUALIFICATIONS FOR CORRUPT PRACTICES.

Definitions.

149. In this Part of this Chapter and in the fifth schedule, except where it is otherwise expressly provided or the context otherwise requires—

(*a*) "agent" includes an election agent and any person who, on the trial of an election petition, is held by the Commissioner to have acted as an agent in connection with the election with the knowledge or consent of the candidate;

(*b*) "candidate" means a person who has stood or claims to have stood as a candidate at any election, and a candidate who, with the election in prospect,

has held himself out as a prospective candidate, shall be deemed to have been a candidate as from the time when he began so to hold himself out;

(*c*) "electoral right" means the right of a person to stand or not to stand as, or to withdraw from being, a candidate, or to vote or refrain from voting at an election;

(*d*) "returned candidate" means a candidate whose name has been published under these rules as duly elected;

(*e*) "corrupt practice", means one of the practices specified in Parts I, II and III of the fifth schedule;

The election petition.

150. No election shall be called in question except by an election petition presented in accordance with the provisions of this Part of this Chapter.

Presentation of the petition.

151. (1) An election petition against any returned candidate may be presented to the Government—

(*a*) by any candidate or elector on any ground;

(*b*) by an officer empowered in that behalf by the Government on the ground that the election has not been a free election by reason of the large number of cases in which undue influence or bribery has been exercised or committed.

Explanation.—In this rule, the expression "elector", in relation to a trade and commerce, industry or co-operation constituency, includes all the persons included in the electoral roll as the nominees of any body, notwithstanding that only one of them is entitled to vote.

(2) A petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself has been duly elected, but such a declaration shall only be claimed on one or other of the following grounds—

(*a*) that in fact the petitioner received a majority of the valid votes; or

(*b*) that, but for votes obtained for the returned candidate by corrupt practices, the petitioner would have obtained a majority of the valid votes.

Time limit for the presentation of the petition.

152. (1) An election petition against any returned candidate may be presented to the Government as provided in the last preceding rule—

(*a*) by any candidate or elector within fourteen days from the date of the publication of the notice in the official Gazette under rule 146

that the return of election expenses of the returned candidate and the declarations made in respect thereof have been lodged with the Returning Officer; or

(*b*) within thirty days from that date by an officer referred to in clause (*b*) of sub-rule (1) of rule 151.

(2) An election petition shall be deemed to have been presented to the Government when it is delivered to any officer appointed by it in this behalf—

(*a*) by the person making the petition; or

(*b*) by a person authorised in writing in this behalf by the person making the petition; or

(*c*) by registered post.

(3) When the last day of the period for the presentation of an election petition under this rule is a public holiday within the meaning of section 25 of the Negotiable Instruments Act, 1917, or has been notified by the Government as a day to be observed as a holiday in Government offices, the petition shall be considered as having been received in due time if it is presented on the next succeeding day which is neither such a public holiday nor a day so notified.

Contents of the petition.

153. (1) The petition shall contain a statement in concise form of the material facts on which the petitioner relies and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1911, for the verification of pleadings.

(2) The petition shall be accompanied by a list signed and verified in like manner setting forth full particulars of any corrupt practice which the petitioner alleges, including as full a statement as possible as to the names of the parties alleged to have committed any corrupt practice and the date and place of the commission of each such practice.

Against whom petition may be presented.

154. When the petitioner in addition to calling in question the election of a returned candidate, claims a declaration that he himself has been duly elected, he shall join as respondents to his petition all other candidates who stood at the election.

Deposit of security.

155. At the time of presentation of the petition, the petitioner shall, except where the petition is presented under clause (b) of sub-rule (1) of rule 151, enclose with the petition a Government treasury receipt (challan) showing that a deposit of one hundred rupees has been made by him in the treasury as security for the costs of the petition.

Petition when to be dismissed.

156. If the provisions of rule 152, rule 153 or rule 155 are not complied with, the Government may dismiss the petition.

Appointment of Commissioner for the trial of election petitions.

157. (1) Unless the Government dismisses a petition under the provisions of the last preceding rule, it shall appoint as Commissioner for the trial of the petition a person who is or has been, or is eligible to be appointed, a District Judge.

(2) All applications and proceedings in connection with the petition shall be dealt with by, and carried on by or before, the Commissioner.

(3) Where in respect of an election in a constituency more petitions than one are presented, the Government shall refer all those petitions to the same Commissioner, who may at his discretion inquire into the petitions either separately or in one or more groups, as he think fit.

(4) If during the course of the inquiry the Commissioner is unable to continue to attend thereat, the Government shall appoint another person as Commissioner and the inquiry shall recommence before the Commissioner so appointed:

Provided that the Commissioner so appointed may direct that any evidence already recorded shall remain upon record, and in that case it shall not be necessary to re-examine those witnesses who have already been examined and discharged.

Attendance of Government Advocate.

158. When at an inquiry into an election petition the Commissioner so orders, the Government Advocate, or some person appointed by the Government in that behalf, shall attend and shall take such part therein as the Commissioner may direct.

Procedure on appointment of Commissioner.

159. The Commissioner shall, as soon as may be after he is appointed, cause a copy of the petition to be served on each respondent and to be published in the official Gazette, and may call on the petitioner to execute a bond in such amount and with such sureties as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate

shall be entitled to be joined as a respondent on giving security in a like amount and procuring the execution of a like bond:

Provided that the execution of such a bond by the petitioner shall not be required in any case where the petition has been presented under clause (*b*) of sub-rule (1) of rule 151.

Inquiry by Commissioner.

160. (1) Subject to the provisions of these rules, every election petition shall be inquired into by the Commissioner, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1911, to the trial of suits:

Provided that it shall only be necessary for the Commissioner to make a memorandum of the substance of the evidence of any witness examined by him.

(2) The Commissioner may, upon such terms as to costs and otherwise as he may direct at any time, allow the particulars included in the list mentioned in sub-rule (2) of rule 152 to be amended or order such further or better particulars in regard to any matter referred to therein to be furnished as may in his opinion be necessary for the purpose of ensuring a fair and effectual trial of the petition.

(3) Notwithstanding the provisions of rule 156, the Commissioner may inquire into the compliance of the petition with the provisions of rule 152, rule 153 or rule 155.

Place of inquiry.

161. The inquiry shall be held at such place as the Government may appoint:

Provided that the Commissioner may in his discretion sit at any other place in the State for any part of the inquiry.

Withdrawal of petition.

162. (1) An election petition may be withdrawn only by leave of the Commissioner or, if an application for withdrawal is made before any Commissioner has been appointed, of the Government.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made, except with the consent of all the petitioners.

(3) When an application for withdrawal is made to the Commissioner, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the official Gazette.

(4) No application for withdrawal shall be granted if, in the opinion of the Government or of the Commissioner, as the case may be, such application has been induced by any bargain or consideration which ought not to be allowed.

(5) If the application is granted--

(*a*) the petitioner shall, where the application has been made to the Commissioner, be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the Commissioner may think fit;

(*b*) notice of the withdrawal shall be published in the official Gazette by the Government or by the Commissioner, as the case may be; and

(*c*) any person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and, upon compliance with the conditions of rule 155 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

(6) When an application for withdrawal is granted by the Commissioner and no person has been substituted as petitioner in place of the party withdrawing under clause (*c*) of sub-rule (5), the Commissioner shall report the fact to the Government.

Abatement or substitution on death of petitioner.

163. (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners:

Provided that, where such sole petitioner was an officer empowered under clause (*b*) of sub-rule (1) of rule 172, the proceedings may be continued by any other officer empowered in this behalf by the Government under the said clause.

(2) Notice of the abatement of an election petition shall be published in the official Gazette by the Commissioner or, if the petition abates before any Commissioner has been appointed, by the Government.

(3) Any person who might himself have been a petitioner may, within fourteen days of such publication,

apply to be substituted as petitioner, and, upon compliance with the conditions of rule 155 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

Abatement or substitution on death of respondent.

164. If before the conclusion of the trial of an election petition, the respondent dies or gives notice that he does not intend to oppose the petition, the Commissioner shall cause notice of such event to be published in the official Gazette, and thereupon any person who might have been a petitioner may, within fourteen days of such publication, apply to be substituted for such respondent to oppose the petition, and shall be entitled to continne the proceedings upon such terms as the Commissioner may think fit.

Recrimination when seat claimed.

165. (1) Where at any inquiry into an election petition any candidate, other than the returned candidate, claims the seat for himself, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election:

Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he has, within fourteen days from the date of the publication of the election petition under rule 159, given notice of his intention to the Commissioner and made the deposit and procured the execution of the bond referred to in rules 155 and 159, respectively.

(2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and list of particulars required by rule 153 in the case of an election petition and shall be signed and verified in like manner.

Grounds for declaring election void.

166. (1) Subject to the provisions of this rule, if in the opinion of the Commissioner—

(*a*) the election of a returned candidate has been procured or induced, or the results of the election has been materially affected, by any corrupt practice; or

(*b*) any corrupt practice specified in Part I of the fifth schedule has been committed in the interests of a returned candidate; or

(*c*) the result of the election has been materially affected by the improper acceptance or rejection of any notice of candidature, or by reason

of the fact that any person who was a candidate was not qualified or was disqualified for election, or by the improper reception or refusal of a vote, or by the reception of any vote which is void, or by any non-compliance with the provisions of the Act or of the rules thereunder relating the election, or by any mistake in the use of any prescribed form; or

(*d*) the election has not been a free election by reason of the large number of cases in which bribery or undue influence has been exercised or committed,

the election of the returned candidate shall be void.

(2) If the Commissioner reports that a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice specified in Part I of the fifth schedule, but further reports that the candidate has satisfied him that—

(*a*) no corrupt practice was committed at the election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders, and without the sanction or connivance, of the candidate or his election agent;

(*b*) the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election;

(*c*) the corrupt practices mentioned in the report were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election; and

(*d*) in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents,

then the Commissioner may find that the election of the candidate is not void.

(3) If a person (not being entitled so to do) votes more than once at the same election, all his votes shall be deemed for the purpose of this rule to be void.

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167. (1) At the conclusion of the inquiry, the Commissioner shall report whether the returned candidate, or any person who has lodged a petition and claimed a seat, has been duly elected, and in so reporting shall have regard to the provisions of the last preceding rule. Report of the Commissioner.

(2) The report shall further include a recommendation by the Commissioner as to the total amount of costs which are payable and the persons by and to whom costs shall be paid, and any such recommendation may include a recommendation for the payment of costs to the Government Advocate or a person appointed under Rule 158 for attending the trial in pursuance of the order of the Commissioner.

(3) The report shall be signed by the Commissioner who shall forthwith forward his report to the Government.

168. Where any charge is made in an election petition of any corrupt practice, the Commissioner shall record in his report— Finding as to corrupt practices and persons guilty thereof.

(*a*) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or his agent, and the nature of that corrupt practice ; and

(*b*) the names of all persons, if any, who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of that practice with any such recommendations as the Commissioner may think proper to make for the exemption of any persons from any disqualifications which they may have incurred in this connection under rules 171 to 174 :

Provided that no person shall be so named in the report unless he has been given a reasonable opportunity of showing cause why his name should not be so recorded.

169. (1) An appeal shall lie to the High Court from the report of the Commissioner on a point of law only, provided that such appeal is preferred within fifteen days from the date of such report exclusive of the time required for obtaining a copy of the report. Appeals from report of Commissioner.

(2) The High Court upon the hearing of any such case shall decide the questions of law raised thereby, and shall deliver its judgment therein containing the grounds

on which such decision is founded and shall send to the Government a copy of such judgment under the seal of the Court and the signature of the Registrar.

(3) The High Court shall frame such rules as it may deem fit for regulating the procedure to be adopted for the filing and the hearing of such appeal.

Issue of orders by the Government.

170. (1) The Government shall, on the receipt of the judgment of the High Court, issue orders in accordance with such judgment.

(2) In cases where an appeal to the High Court does not lie or is not preferred the Government shall issue orders in accordance with the report of the Commissioner.

(3) The orders of the Government shall be published in the official Gazette and shall be final.

PART III—DISQUALIFICATIONS.

Offences and practices which entail disqualification for voting or membership.

171. If any person is, after an inquiry under Part II of this Chapter, reported as guilty of any such corrupt practice as is specified in Part I or Part II of the fifth schedule he shall, for a period of six years from the date of the conviction or report, be disqualified for voting at any election to, or for membership of, the Assembly or the Council.

Disqualification for certain corrupt practices.

172. If, in relation to any election to the Assembly or the Council, any person is, after such an inquiry as aforesaid, reported as guilty of any such corrupt practice as is specified in Part III of the fifth schedule he shall be disqualified for voting at any such election or for membership of the Assembly or the Council for a period of four years from the date of the report.

Persons to be disqualified in the case of firms, etc.

173. Where under either of the two last preceding rules a person is, in connection with an election in a trade and commerce, industry, or co-operation constituency disqualified for voting for any period, then if that person was at the date of election either,

(*a*) included in the electoral roll for the constituency as the nominee of an association, firm, Hindu joint family, corporation or co-operative society entitled to nominate persons for inclusion therein; or

(*b*) a member of any such association, firm, Hindu joint family or a director, managing agent or manager of any such corporation or society or a person authorised to sign in the name of any such firm, Hindu joint family;

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corporation or society in the ordinary course of its business, the association, firm, family, corporation or society shall, for the like period, be disqualified from nominating persons for inclusion in the electoral roll for any trade and commerce, industry or co-operation constituency.

Failure to lodge return of election expenses.

174. If default is made in making the return of the election expenses of any person who has been a candidate at an election to the Assembly or the Council, or if such a return is found, either by the Commissioner holding an inquiry into the election or by any court in a judicial proceeding, to be false in any material particular, the candidate and his election agent shall be disqualified for voting at any election for a period of five years from the date by which a return was required to be lodged.

Disqualification for being an election agent.

175. Any person who is for the time being disqualified under the foregoing provisions of this Part of this Chapter for being a member of either chamber, or for voting at elections, shall, so long as the disqualification exists, also be disqualified for being an election agent at any election.

Power of Government to remove disqualification.

176. Any disqualification under rules 171 to 174 inclusive arising in connection with an election to either Chamber may be removed by the Government if such disqualification is in respect of voting.

PART IV.—Custody and Preservation of Election Petitions, etc.

Election petitions, etc., to be kept for four years.

177. Election petitions with the proceedings and reports of the Commissioner thereon shall be kept by the Government and shall be destroyed after four years unless otherwise ordered by the Government.

CHAPTER IX.

GENERAL.

Vacation of seat by a person elected by more than one constituency.

178. (1) If any person is elected to the Assembly or the Council by more than one constituency he shall, by notice in writing signed by him and delivered to the Secretary to the Assembly or the Council, as the case may be, within seven days from the date of the publication in the official Gazette of the declarations containing

the names of that person as having been elected, or where such publication has been made on different dates within seven days from the later of such dates, as the case may be, choose for which of the constituencies he shall serve and his choice shall be conclusive.

(2) When any such choice has been made, the Government shall call upon the constituency or constituencies not chosen by such person to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-rule (1) of this rule, the elections of such person shall be void, and the Government shall call upon the constituencies concerned to elect other persons.

Vacation of seat by a person elected to both Chambers

179. (1) Any person who is chosen a member of the Assembly and the Council and who has not taken his seat in either Chamber may, by notice in writing signed by him and delivered to the Secretaries of both the Chambers, within seven days from the date of the publication in the official Gazette of the declarations that he has been so chosen, or if such publications have been made on different dates within seven days from the later of such dates, intimate in which of the Chambers he wishes to serve, and any choice so intimated shall be conclusive. In default of such intimation the seat of such person in the Assembly shall become vacant.

(2) If a person who is already a member of the Assembly and has taken his seat in such Assembly is chosen a member of the Council, his seat in the Assembly shall, on the publication in the official Gazette of the declaration that he has been so chosen, become vacant.

(3) If a person who is already a member of the Council and has taken his seat in such Council is chosen a member of the Assembly, his seat in the Council shall, on the publication in the official Gazette of the declaration that he has been so chosen, become vacant.

Penalty for failure to take the oath of allegiance.

180. If any person having been elected or nominated to the Assembly or the Council fails to take the oath of allegiance to His Highness the Maharaja within such time as the Government considers reasonable, the Government shall, by notification in the official Gazette, declare his seat to be vacant and call upon the constituency concerned to elect another member within such time as may be specified in the notification or shall nominate another person, as the case may be.

CHAPTER X. 77

SPECIAL PROVISIONS.

181. If any difficulty arises as to the preparation, revision or publication of any electoral roll or of any list of amendments to any such roll, or to the holding of any election under the provisions of these rules, the Government may, by order do anything not inconsistent with these rules or with any provision of the Act, which appears to it to be necessary for the proper preparation, revision, or publication of the roll or for the proper holding of the election. Power of the Government to remove difficulties.

182. If any question arises as to the interpretation of these rules otherwise than in connection with an election enquiry held under the provisions of these rules, the question shall be referred for the decision of the Government, and its decision shall be final. Power of the Government to interpret the rules.

FOURTH SCHEDULE. 38

RETURN OF ELECTION EXPENSES.

(Rule 144.)

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure there shall be shown—

(*a*) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature;

(*b*) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger;

(*c*) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerk or messenger;

(*d*) the travelling expenses of persons, whether in receipt of salary or not, incurred, in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the persons so travelling;

(*e*) the cost whether paid or incurred of :—

(i) printing,
(ii) advertising,
(iii) stationery,
(iv) postage,

NOTE.—(1) All expenses incurred in connection with the candidature whether paid by the candidate, his election agent or any other person or remaining unpaid on the date of the return are to be set out.

(2) For all items of five rupees and over, unless from the nature of the case (*e.g.*, travel by rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

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(v) telegrams, and

(vi) rooms hired either for public meetings or as committee rooms;

(*f*) any other miscellaneous expenses whether paid or incurred.

3. The form of the declarations referred to in Rule 165 shall be as follows:—

Form of Declaration by Election Agent.

I, ...being the appointed election agent for....., a candidate for election in the.....constituency, do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in, or for the purposes of, ...'s candidature.

.....

Election Agent.

Solemnly affirmed before me.

.....

Magistrate.

Form of Declaration by Candidate.

I, ...being a candidate for election in the.....constituency do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in, or for the purposes of, my candidature.

.....

Candidate.

Solemnly affirmed before me.

.....

Magistrate.

FIFTH SCHEDULE. 80

Rule 159.

CORRUPT PRACTICES.

PART I.

Bribery.

1. Bribery, that is to say, any gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent of any gratification to any person whomsoever, with the object, directly or indirectly, of inducing—

(*a*) a person to stand or not to stand as, or to withdraw from being, a candidate at an election; or

(*b*) an elector to vote or refrain from voting at an election,

or as a reward to—

(i) a person for having so stood or not stood, or for having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting.

For the purposes of this paragraph the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money, and it includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election and duly entered in the return of election expenses prescribed by these rules.

Undue influence.

2. Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of the candidate or his agent, with the free exercise of any electoral right:

Provided that—

(*a*) without prejudice to the generality of the provisions of this paragraph, any such person as is referred to therein who—

(i) threatens any candidate or elector, or any person in whom a candidate or elector is interested, with any injury of any kind; or

(ii) induces or attempts to induce a candidate or elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of that candidate or elector within the meaning of this paragraph; and

(*b*) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this paragraph.

Personation.

3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.

Removal of voting paper.

4. The removal of a voting paper from the polling station during polling hours by any person with the connivance of a candidate or his agent.

Publication of false statements.

5. The publication by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

6. The incurring or authorizing by a candidate or his agent of expenditure, or the employment of any person by a candidate or his agent, in contravention of the provisions of any notification issued by the Government under rule 169.

PART II.

Acts under Part I.

1. Any act specified in Part I of this schedule, when done by a person who is not a candidate or his agent

or a person acting with the connivance of a candidate or his agent.

Personation.

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in fictitious name, or for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.

Bribery.

3. The receipt of, or agreement to receive, any gratification whether as a motive or reward—

(*a*) by a person for standing or not standing as, or for withdrawing from being, a candidate; or

(*b*) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw his candidature.

For the purposes of this paragraph the term "gratification" has the same meaning as it has for the purposes of paragraph 1 of Part I of this schedule.

Payment for conveyance.

4. Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote.

Hiring and use of public conveyances.

5. The hiring, employment, borrowing or using for the purposes of the election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire:

Provided that any elector may hire any boat, vehicle, or animal, or use any boat, vehicle or animal which is his own property to convey himself to or from the place where the vote is recorded.

6. The making of any return of election expenses which is false in any material particular, or the making of a declaration verifying any such return.

PART III.

Incurring expense without authority.

1. The incurring or authorization by any person other than a candidate or his agent of expenses on account of holding any public meeting, or upon any advertisement,

circular or publication, or in any other way whatsoever, for the purpose of promoting or procuring the election of the candidate, unless he is authorized in writing so to do by the candidate.

Hiring of liquor shops.

2. The hiring, using or letting as a committee room or for the purpose of any meeting, to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

Issue of circulars, etc., without printer's and publisher's name printed thereon.

3. The issuing of any circular, placard or poster having a reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

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XIV RETURN OF ELECTION EXPENSES.

(*Rule* 144).

LEGISLATIVE COUNCIL.

Name of Constituency .....

1. *Receipts.*—Including all monies, securities and equivalents of money received from any person (including the candidate himself), club, society, or association in respect of any expenses, whether paid or remaining unpaid, incurred on account of, or in connection with, or incidental to the election. The name of each such person, etc., and the amount received shall be shown separately :—

Date of receipt	Name and description of payer	Amount or value
	Total ...	

2. *Expenses.*—Including all payments made by the candidate or by his election agent or by any person on behalf of, or in the interests of, the candidate in respect of any expenses incurred on account of or in connection with or incidental to the election, and all unpaid claims in respect of any such expenses of which the candidate or his election agent is aware :—

N. B.—(1) Vouchers shall be attached to the return for all items of expenditure amounting to Rs. 5 and over, unless from the nature of the case a receipt cannot be obtained ; the vouchers shall be numbered and arranged in serial order and the number of the vouchers entered in the return against the item of expenditure.

(2) Each payment made shall be entered separately, except payments on account of postage and telegrams for which lump sums may be shown. The name and description of each person paid and the work done or the nature of the goods supplied shall be shown in respect of each payment.

PART A.—*In this Part shall be shown the personal expenditure of the candidate, incurred or paid by him or by his election agent on his behalf, including all payments for personal services rendered, for hotel bills, for travelling expenses and for the purchase of books or election literature.*

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount unpaid

PART B.—*In this Part shall be shown expenditure incurred by the candidate or his election agent for the remuneration of agents (including the election agent), clerks or messengers. The name and description of each agent, clerk or messenger employed and the rate of remuneration and the amount paid to each shall be shown separately.*

Name and description of payee	On what account	Rate of payment	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
				Total ...		

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PART C.—*In this Part shall be shown all other expenditure (including travelling expenses and cost of refreshments provided) incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers. The name and description of each agent, clerk or messenger and the amount paid to each shall be shown.*

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
			Total ...		

PART D.—*In this Part shall be shown the travelling expenses of persons (not being agents, clerks or messengers) whether in receipt of salary or not, incurred or paid by the candidate, his election agent or the person so travelling.*

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid

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PART E.—*In this Part the cost of printing shall be shown.*

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid
			Total ...		

PART F.—*In this Part the cost of advertising shall be shown.*

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid
			Total ...		

PART G.—*In this Part the cost of stationery shall be shown.*

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid
			Total		

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PART H.—*In this Part the cost of postage and telegrams may be shown in lumpsums.*

Expenditure incurred	Date of payment, if separate payments are shown	Amount paid
Total		

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PART I.—*In this Part the cost of rooms hired for public meetings or as committee rooms or as an office shall be shown.*

Name and description of payee	Locality and description of rooms	Date of payment	Voucher No.	Amount paid	Amount unpaid
			Total		

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PART J.—*In this Part shall be included every disputed claim remaining unpaid.*

Name and description of claimant	Nature and alleged ground of claim	Amount of claim
	Total ...	

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